

107TH CONGRESS
1ST SESSION

H. R. 2167

To amend the Federal Water Pollution Control Act to protect $\frac{1}{5}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. STUPAK (for himself, Mr. BONIOR, Ms. KAPTUR, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mr. KIRK, Mr. HINCHEY, Ms. MCCOLLUM, Ms. BALDWIN, Mr. DINGELL, Mr. BARCIA, Mr. KUCINICH, Mr. LEVIN, Mrs. THURMAN, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. LUTHER, Mr. LATOURETTE, Ms. RIVERS, Mr. OBEY, Mr. KLECZKA, Mrs. JONES of Ohio, Mr. CONYERS, Mr. STRICKLAND, Mr. JACKSON of Illinois, Mr. KIND, Mr. BLAGOJEVICH, Mr. OBERSTAR, Mr. ROEMER, Mr. TOWNS, Mr. EVANS, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Water Pollution Control Act to protect $\frac{1}{5}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Water
5 Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Great Lakes contain $\frac{1}{5}$ of the world’s
9 fresh water supply;

10 (2) the Great Lakes basin is home to over
11 33,000,000 people and is a vital source of safe
12 drinking water for millions of people;

13 (3) the Great Lakes support many wetlands,
14 sand dunes, and other fragile coastal habitats;

15 (4) those coastal habitats are home to many en-
16 dangered and threatened wildlife and plant species,
17 including the piping plover, Pitcher’s thistle, and the
18 dwarf lake iris;

19 (5) the Great Lakes are crucial to the econo-
20 mies of the Great Lakes States for recreation, com-
21 mercial shipping, and industrial and agriculture
22 uses; and

23 (6) oil and gas development beneath the water
24 in any of the Great Lakes could—

- 1 (A) expose a valuable fresh water supply of
2 the United States to serious contamination; and
3 (B) cause serious environmental damage to
4 the water and shoreline of the Great Lakes.

5 **SEC. 3. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE**
6 **GREAT LAKES.**

7 The Federal Water Pollution Control Act is amended
8 by inserting after section 108 (33 U.S.C. 1258) the fol-
9 lowing:

10 **“SEC. 108A. EFFECTS OF OIL AND GAS DEVELOPMENT ON**
11 **THE GREAT LAKES.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ACADEMY.—The term ‘Academy’ means
14 the National Academy of Sciences.

15 “(2) DRILLING ACTIVITY.—

16 “(A) IN GENERAL.—The term ‘drilling ac-
17 tivity’ means any drilling to extract oil or gas
18 from land beneath the water in any of the
19 Great Lakes.

20 “(B) INCLUSIONS.—The term ‘drilling ac-
21 tivity’ includes—

22 “(i) directional drilling (also known as
23 ‘slant drilling’); and

24 “(ii) offshore drilling.

1 “(3) GREAT LAKE.—The term ‘Great Lake’
2 means—

3 “(A) Lake Erie;

4 “(B) Lake Huron (including Lake Saint
5 Clair);

6 “(C) Lake Michigan;

7 “(D) Lake Ontario (including the Saint
8 Lawrence River from Lake Ontario to the 45th
9 parallel of latitude); and

10 “(E) Lake Superior.

11 “(4) GREAT LAKES STATE.—The term ‘Great
12 Lakes State’ means each of the States of Illinois, In-
13 diana, Michigan, Minnesota, New York, Ohio, Penn-
14 sylvania, and Wisconsin.

15 “(b) INCENTIVES TO PREVENT DRILLING ACTIV-
16 ITY.—

17 “(1) IN GENERAL.—To be eligible to receive an
18 incentive grant under paragraph (2), a grant under
19 section 601(a), or a grant under section 1452 of the
20 Safe Drinking Water Act (42 U.S.C. 300j–12), a
21 Great Lakes State shall not issue any oil or gas per-
22 mit or lease for drilling activity.

23 “(2) INCENTIVE GRANTS.—

24 “(A) IN GENERAL.—For each fiscal year
25 or portion of a fiscal year in which paragraph

1 (1) is in effect, the Secretary of the Interior
2 shall make grants to Great Lakes States.

3 “(B) USE OF GRANTS.—A Great Lakes
4 State shall use a grant under this paragraph to
5 carry out conservation activities in the State,
6 including activities to conserve parkland and
7 protect shores.

8 “(C) AMOUNT OF GRANTS.—For each fis-
9 cal year or portion of a fiscal year, the amount
10 of a grant to a Great Lakes State under sub-
11 paragraph (A) shall be equal to the product ob-
12 tained by multiplying—

13 “(i) the amount available for grants
14 under this paragraph for the fiscal year or
15 portion of a fiscal year; and

16 “(ii) the ratio that—

17 “(I) the amount of funds that
18 the Great Lakes State would have re-
19 ceived, but for paragraph (1), from
20 the sale of oil and gas from the Great
21 Lakes during the fiscal year; bears to

22 “(II) the amount of funds that
23 all Great Lakes States would have re-
24 ceived, but for paragraph (1), from

1 the sale of oil and gas from the Great
2 Lakes during the fiscal year.

3 “(D) MAXIMUM AMOUNT OF GRANTS.—
4 For each fiscal year, the Secretary of the Inte-
5 rior may make grants under this paragraph in
6 an aggregate amount not to exceed
7 \$50,000,000.

8 “(c) STUDY.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this section, the Adminis-
11 trator shall conduct a study to examine the known
12 and potential environmental effects of drilling activ-
13 ity, including any effects on—

14 “(A) water quality (including the quality of
15 drinking water);

16 “(B) the sediments and shorelines of the
17 Great Lakes;

18 “(C) fish and other aquatic species, plants,
19 and wildlife that are dependent on Great Lakes
20 resources;

21 “(D) competing uses of water and shore-
22 line areas of the Great Lakes; and

23 “(E) public health of local communities.

1 “(2) CONSULTATION.—In designing and con-
2 ducting the study, the Administrator shall consult
3 with—

4 “(A) the Secretary of Energy;

5 “(B) the Administrator of the National
6 Oceanic and Atmospheric Administration;

7 “(C) the Chief of Engineers;

8 “(D) the Great Lakes States; and

9 “(E) as appropriate, representatives of en-
10 vironmental, industry, academic, scientific, pub-
11 lic health, and other relevant organizations.

12 “(3) INDEPENDENT REVIEW.—Not later than
13 180 days after the date of enactment of this section,
14 the Administrator shall enter into an agreement with
15 the Academy under which the Administrator shall
16 submit to the Academy, and the Academy shall re-
17 view, the results of the study.

18 “(4) REPORT.—Not later than 1 year after the
19 date of submission to the Academy of the study
20 under paragraph (3), the Academy shall submit to
21 the Administrator and Congress—

22 “(A) the study; and

23 “(B) a report that describes the results of
24 the review by the Academy (including any rec-

1 ommendations concerning the results of the
2 study).

3 “(5) ACTION BY CONGRESS.—It is the sense of
4 Congress that, after receiving the study and report
5 under paragraph (4), Congress should—

6 “(A) review the study and report;

7 “(B) conduct hearings concerning the im-
8 pact of drilling activity; and

9 “(C) determine whether to eliminate the
10 condition under subsection (b)(1).

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as are nec-
13 essary to carry out this section.”.

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